



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

SSO/168640

PRELIMINARY RECITALS

Pursuant to a petition filed September 11, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on November 19, 2015, at Waukesha, Wisconsin.

The issue for determination is whether Petitioner is liable for an overpayment of State SSI benefits from May 2014 thru December 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

Attorney Joanne Leifheit

[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: No one

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Waukesha County.
2. On July 23, 2015, the Social Security Administration sent the Petitioner a letter indicating that it approved a waiver of an overpayment that allegedly occurred from May 2012 thru December 2014.

3. On August 20, 2015, the Department of Health Services (DHS) sent the Petitioner a Notice of State SSI and/or Caretaker Supplement Overpayment, alleging that she was overpaid \$670.00 in benefits for the period of May 2014 thru December 2014.
4. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on September 11, 2015.

DISCUSSION

In order to receive *state* Supplemental Security Income (SSI) benefits, a person must be receiving *federal* SSI benefits. *Wisconsin SSI Handbook §2.1.1*; Wis. Stat. § 49.77(2)(a)2. See also, 20 C.F.R. § 416.2025(b)(4).

The Petitioner filed an appeal to contest an alleged overpayment of *state* SSI benefits from May 2014 thru December 2014.

The SSA waived any alleged overpayment of benefits that occurred between May 2012 and December 2014. Thus, pursuant to Wis. Stat. § 49.77(2)(a)2 and 20 C.F.R. § 416.2025(b)(4), Petitioner was eligible for benefits during that time and no overpayment of *state* SSI benefits has occurred.

CONCLUSIONS OF LAW

Petitioner is not liable for an overpayment of State SSI benefits from May 2014 thru December 2014.

THEREFORE, it is

ORDERED

That DHS rescind the August 20, 2015 overpayment notice seeking to recoup \$670.00 in benefits from May 2014 thru December 2014. DHS shall take all administrative steps necessary to complete this task within ten days of this decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

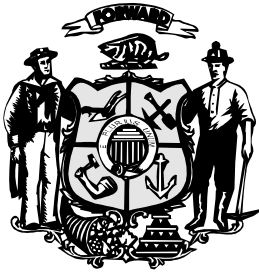
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 19th day of November, 2015.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 19, 2015.

Division of Health Care Access and Accountability
State SSI
Attorney Joanne Leifheit